



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,480	05/13/1999	WEI-KUO LEE	D-17965	1296

29423 7590 08/07/2002

WHYTE HIRSCHBOECK DUDEK S.C.
111 E. WISCONSIN AVE, SUITE 2100
MILWAUKEE, WI 53202

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED: 08/07/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/311,480

Applicant(s)

LEE ET AL.

Examiner

Kevin R Kruer

Art Unit

1773

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 08 June 2002 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192 (c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENTIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☒ the brief includes the statement required by 37 CFR 1.192(c) (7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☐ Other (including any explanation in support of the above items):

Defective Appeal Brief

Applicant's appeal brief filed on 08 June 2002 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). Applicant's appeal brief does not contain a statement of the status of each after final amendment. Specifically, Applicant's "Status of Amendments" mistakenly states that the amendment filed June 3, 2002 was not entered. The examiner acknowledged entry of the amendment in the Advisory Action mailed June 11, 2002.

Furthermore, the Appeal Brief is defective because Applicant does not contain arguments in support of the statement that the claims do not stand and fall together.

The copy of claims included in the appeal brief also is defective. Specifically, the preamble of claims 1, 7, and 8 in the Appeal Brief do not agree with the preamble of pending claims 1, 7, and 8. Furthermore, the language of claim 4 has been changed. The description of component (a) in claims 7 and 9 are incorrect. Pending claim 8 does not contain component (c). The examiner notes that the error seems to be with the amendment filed May 24, 2002. While "The Copy Showing Amendments" shows the amendments noted in the Appeal Brief, the clean copy is the version of the claims that was entered. The clean copy of the claims filed May 24, 2002 does not contain the amendments referred to in the appeal brief.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 703-305-0025. The examiner can normally be reached on Monday-Friday from 7:00a.m. to 4:00p.m.

Art Unit: 1773

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is 703-305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

K-RH

krk

Vivian Chen
Vivian Chen
Primary Examiner